



**UNITED STATES DEPARTMENT OF COMMERCE**  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/216,078 12/18/98 NI

C 016517-00380

020350 MM91/0627  
TOWNSEND AND TOWNSEND AND CREW  
TWO EMBARCADERO CENTER  
EIGHTH FLOOR  
SAN FRANCISCO CA 94111-3834

EXAMINER

GARCIA, J

ART UNIT

PAPER NUMBER

2823

DATE MAILED:

06/27/01

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

## Advisory Action

Application No.  
09/216,078

Applicant(s)  
Hsinchu et al

Examiner  
Joannie Adelle Garcia

Art Unit  
2823



– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

THE REPLY FILED 6/14/01 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid the abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

### THE PERIOD FOR REPLY [check only a) or b)]

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.
- b) ☒ In view of the early submission of the proposed reply (within two months as set forth in MPEP § 706.07 (f)), the period for reply expires on the mailing date of this Advisory Action, OR continues to run from the mailing date of the final rejection, whichever is later. In no event, however, will the statutory period for the reply expire later than SIX MONTHS from the mailing date of the final rejection.

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on \_\_\_\_\_. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will be entered upon the timely submission of a Notice of Appeal and Appeal Brief with requisite fees.
3. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search. (See NOTE below);
- (b) ☐ they raise the issue of new matter. (See NOTE below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

4. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_
5. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in separate, timely filed amendment cancelling the non-allowable claim(s).
6. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See attachment.
7. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
8. ☒ For purposes of Appeal, the status of the claim(s) is as follows (see attached written explanation, if any):  
Claim(s) allowed: none  
Claim(s) objected to: none  
Claim(s) rejected: 2, 4-16, and 20-31
9. ☐ The proposed drawing correction filed on \_\_\_\_\_ a) ☐ has b) ☐ has not been approved by the Examiner.
10. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_
11. ☐ Other: \_\_\_\_\_

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The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 6, 7, 20-23, and 27-29, remain rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. There is no description in the specification as originally filed of the dosage recited in claim 6, last line, for example. Support is only seen for  $1 \times 10^{14}$  to  $1 \times 10^{15}$  carriers/cm on page 8, last line, and not for "greater than about  $1 \times 10^{14}$  carriers/cm", as recited.

Claims 2, 4, 5, 8, and 9, remain rejected under 35 U.S.C. 102(e) as being anticipated by Grider et al.

The rejection is maintained as stated in the Office Action mailed 3-13-01.

Applicant argues that Grider et al does not teach providing two regions directly adjacent to each other. Applicant is directed to Grider et al, Column 1, lines 30-38.

Claim 10 remains rejected under 35 U.S.C. 103(a) as being unpatentable over Grider et al as applied to claims 2-9, and 20-28 above.

The rejection is maintained as stated in the Office Action mailed 3-13-01.

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Claims 11-16 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Grider et al as applied to claims 2-9, and 20-28 above.

The rejection is maintained as stated in the Office Action mailed 3-13-01.

Claims 6, 7, and 20-31, remain rejected under 35 U.S.C. 103(a) as being unpatentable over Grider et al as applied to claims 2, 4, 5, 8, and 9 above.

The rejection is maintained as stated in the Office Action mailed 3-13-01, and as stated below.

Applicant argues that there is no disclosure of disadvantages resulting from the recited dosage. Applicant is directed to Grider et al, Column 3, lines 35-41. The newly added portion of the rejection related to the obviousness of employing the above dosage with the expectation of obtaining disadvantages was necessitated by applicant's amendment. Therefore, the finality of the Office Action mailed 3-13-02, will not be withdrawn on this basis.

Applicant argues that Grider et al fails to disclose formation of two different concentrations of halogen-containing impurities that result in differential oxide layer thickness from a single simultaneous oxidation step. However, Grider et al, discloses formation of two different concentrations of halogen-containing impurities that result in differential oxide layer thickness from a single simultaneous oxidation step (Column 2, lines 50-56, Column 3, lines 11-16, 35-41, and 52-56, and Column 4, lines 1, and 19-21). The teachings of a second introduction

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of halogen species performed in a different region to achieve an even greater thickness differential between the thin and thick gate oxides is an alternative method disclosed by Grider et al.

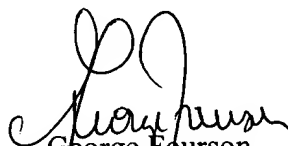
Any inquiry of a general nature or relating to the status of this application should be directed to the Group Receptionist whose telephone number is (703) 308-0956. **See MPEP 203.08.**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner J. Garcia whose telephone number is (703) 306-5733. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wael Fahmy can be reached on (703) 308-4918. The fax number for this group is (703) 308-7722 (and 7724), and (703) 305-3431 (and 3432). MPEP 502.01 contains instructions regarding procedures used in submitting responses by facsimile transmission.



JAG  
June 23, 2001



George Fourson  
Primary Examiner  
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